## IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

## WRIT PETITION NO. 1696 OF 2004

**PETITIONER:**

Indian International University, Bhilai, A Private University established, incorporated and notified under Chhattisgarh Nizi Kshetra Vishwa Vidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002, Through: Its Assistant Registrar Mr. Prakash Babu K.P., S/o Shri Narayanan Kutty Menon, Aged about 39 years, R/o Institution of Engineers' Building, Indira Place, Civic Centre, Bhilai, District: Durg, Chhattisgarh.

P. R. No. 17/7/04
Presented by Shri S. Behar
dated 23.6.04

- Versus -

**RESPONDENTS:**

1. State of Chhattisgarh,
Through: Secretary,
Department of Higher Education,
Mantralaya, D.K.S. Bhawan,
Raipur (C.G.).

2. Regulatory Commission, Constituted under the Chhattisgarh Nizi Kshetra Vishwa Vidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 (No.2 of 2002), C/o Secretary, Department of Higher Education, Mantralaya, D.K.S. Bhawan, Raipur (C.G.).

3. University Grants Commission,
Through: Its Chairman, Bahadur Shah Zafar Marg, New Delhi.

4. All India Council of Technical Education, Indira Gandhi Sports Complex, I.P. Estate, New Delhi-110002.

5. Medical Council of India, Through: Its Secretary, Aiwan-E-Galib Marg, Opp. Mata Sundari College for Women, New Delhi - 110 002.

शपथ आयुक्त
एस. के. शुक्ला
बिलासपुर तहसील कोर्ट
22/6/04

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for GOI
22/6/2004

6. Pharmacy Council of India, Combined Councils Building, Kotla Road, Aiwan-Galib Marg, P.O. Box No.7020, New Delhi – 110 002.

7. National Council of Teachers Education, Indira Gandhi Indoor Stadium, I.P. Estate, New Delhi-110002.

8. Nursing Council of India, Kotla Road, Temple Lane, New Delhi-110002.

9. Bar Council of India, 21, Institutional Area, Rouse Avenue, New Delhi-110002.

10. Distance Education Council, Through: Its Director, DEC Building, IGNOU Campus, Maidan Garhi, New Delhi-110068.

**WRIT PETITION UNDER ARTICLES 226 / 227 OF THE CONSTITUTION OF INDIA**

1. Particulars of the petitioner:

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(88)

**आदेश पत्रक**

**मामला क्रमांक** W.P. No. 1696/04 **सन्** **200**

..... **विरुद्ध** .....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

**D.B: HON'BLE SHRI JUSTICE A.K.PATNAIK, C.J &**
**HON'BLE SHRI DILIP RAOSAHEB DESHMUKH, J.**

**23.09.2005**

None appears for the petitioner(s).

Mr. Ravindra Agrawal, P.L. has appeared for the State of Chhattisgarh.

Mr. Agrawal states that in this writ petition the petitioner had challenged the provisions of Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthpana Aur Viniyaman) Sansodhan Adhiniyam, 2004 by which the Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthpana Aur Viniyaman) Adhiniyam, 2002 was amended. By a judgment of Supreme Court in the case of *Prof. Yashpal and others v. State of Chhattisgarh and another* reported in **2005 (5) SCC 420,** the provisions of the Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana) Aur Viniyaman) Adhiniyam, 2002 have been declared to be ultra vires of the Constitution and therefore this writ petition has become infructuous.

After considering the submission made by Mr. Ravindra Agrawal, we find that this writ petition has become infructuous and we accordingly dispose of the same.

**Sd/-**
**Chief Justice**
**Judge**

**Sd/-**
**Dilip Raosaheb Deshmukh**
**Judge**

Anjani

(पीछे देखिये)